

CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefor. The Assistant Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

REMARKS/ARGUMENTS

Applicants respectfully request reconsideration and allowance of this application in view of the amendments above and the following comments.

Claim 1 has been canceled in favor of new main claim 15. Claim 15 is similar to original claim 1, but contains a clause at the very end thereof, which is supported by the last paragraph on page 35 of the specification. This same paragraph also supports new claim 16. Purely editorial changes have been made to claims 3, 5-8, and 10-14. Claim 9 has been amended to recite the tear strength and expandability limitations of previous claim 1. Claim 9 and new claim 17 are supported by the specification at page 36, lines 3-4 and lines 11-14. New wipe claim 18 is supported by the wording of original claim 1. New method claims 19 and 20 are supported by the specification at page 33, lines 19 ff. Applicants do not believe that any of the amendments introduce new matter.

Claims 1, 3, 5, 7, 9-11, 13 and 14 were rejected under 35 USC § 112, first paragraph, as failing to comply with the written description requirement. In particular, the Examiner found that the specification did not find any literal support for the limitations in claims 1 and 9. In response, Applicants point out that the tear strength and expandability limitations of claim 1 have been placed into claim 9, and those of claim 9 have been made the subject of new claim 17. The limitations are supported by the specification at page 36, lines 3-4 and lines 11-14. Applicants submit that the limitations do, in fact, find literal support in the application as filed, and, therefore, the claims do not contain new matter.

Claims 1, 3, 5, 7, 9-11, 13 and 14 were rejected under 35 USC § 103(a) as being obvious

over Simon, U.S. Patent No. 6,245,322, in view of Brennan et al. ("Brennan"), U.S. Patent No. 6,361,784. The Examiner finds that it would have been obvious to impregnate Brennan's wipe with Simon's emulsion composition and, thereby, achieve the present invention. In response, Applicants submit that this presupposes that Brennan's wipe is otherwise identical to the inventive wipe. Applicants respectfully submit that this is not the case.

In order to clarify the situation, previous claim 1 is replaced by new claim 15. Applicants point out that the inventive wipe is again required to be composed of *a water-jet-consolidated and/or water-jet-impressed nonwoven material*. The Examiner comments in the last full paragraph on page 4 that Brennan teaches "non-woven water-jets wipes." It is unclear where in Brennan there is any teaching of a non-woven water-jet wipe. The Examiner's clarification of this point is respectfully requested.

In any case, Brennan clearly teaches in the abstract and throughout his disclosure, for example, at column 3, lines 1-2, that his wipes are *calendar-embossed*. A *calendar-embossed nonwoven material* is not the same as *the water-jet-consolidated and/or water-jet-impressed nonwoven material* required by the instant claims. Consequently, assuming for the sake of argument that the Examiner were correct that it would have been obvious to impregnate Brennan's wipe with Simon's emulsion composition, the result would still be a *calendar-embossed* wipe, which is not the present invention. In short, the combination of Simon and Brennan does not achieve the present invention, and, therefore, the Examiner has not made out a *prima facie* case of obviousness.

As described in the very last paragraph on page 35 of the specification, the impression process is a significant feature *having structural ramifications* in that the inventive impression process produces elevations in the nonwoven material that *increase the thickness* of the nonwoven material to *as much as twice as thick* as the unimpressed material. This feature has

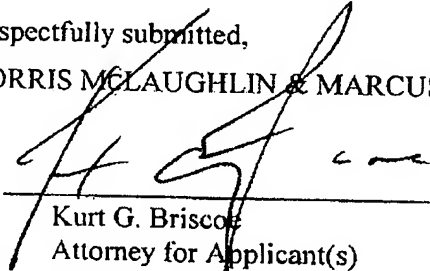
been added to new main claim 15. There is no teaching or suggestion in Brennan of the inventive impression process or the structural ramifications thereof. Consequently, again, the combination of Simon and Brennan does not make out a *prima facie* case of obviousness.

In view of the foregoing, Applicants submit that the Examiner would be fully justified to reconsider and withdraw this rejection. An early notice that this rejection has been reconsidered and withdrawn is earnestly solicited.

Early and favorable action is earnestly solicited.

Respectfully submitted,
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By


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